

**ENTERED**

November 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

CARTIUS LYRONE MONTGOMERY,

Plaintiff,

VS.

JEFF PURVIS, *et al*,

Defendants.

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MISC. ACTION NO. 7:18-MC-00580

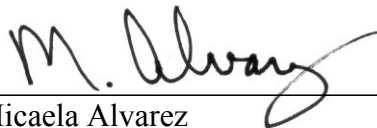
**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Plaintiff Cartius Lyrone Montgomery's Application to Proceed In Forma Pauperis ("IFP"), along with a civil rights complaint pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation. On September 21, 2018, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's case be transferred to the Western District of Texas, San Antonio Division in the interest of justice. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.<sup>1</sup> Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff's case be **TRANSFERRED** to the Western District of Texas, San Antonio Division.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of November, 2018.



Micaela Alvarez  
United States District Judge

<sup>1</sup> As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds* by 28 U.S.C. § 636(b)(1), as stated in ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at \*7 n.5 (5th Cir. Apr. 2, 2012).